SENATE BILL **No. 985**

Introduced by Senator Pavley

February 11, 2014

An act to amend Sections 10561 and 10562 of the Water Code, relating to stormwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 985, as introduced, Pavley. Stormwater resource planning.

Existing law, the Stormwater Resource Planning Act, authorizes a city, county, or special district, to develop a stormwater resource plan that meets certain standards.

This bill would require a stormwater resource plan to identify opportunities to use existing publicly owned lands to capture and reuse stormwater.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 10561 of the Water Code is amended to read:

10561. The Legislature hereby finds and declares all of the following:

(a) In many parts of the state stormwater is ~~a~~ *an underutilized* source of surface water and groundwater *supplies. Instead of being viewed as a resource, it is often seen as a source of* contamination, contributing to a loss of usable water supplies~~,~~ and the pollution and impairment of rivers, lakes, streams, and coastal waters.

(b) Improved management of stormwater~~, including, but not limited to, pollution prevention and source control,~~ can improve

water quality and increase water supplies for beneficial uses and the environment.

(c) Most of California's current stormwater drainage systems are designed to capture and convey water away from people and property rather than capturing that water for beneficial uses.

(d) Historical patterns of precipitation are predicted to change and an increasing amount of California's water is predicted to fall not as snow in the mountains, but as rain in other areas of the state. This will likely have a profound and transforming effect on California's hydrologic cycle and much of that water will no longer be captured by California's reservoirs, many of which are located to capture snow melt.

(e) Stormwater, properly managed, can contribute significantly to local water supplies through onsite storage and reuse, or letting it percolate into the ground to recharge groundwater, thereby increasing available supplies of drinking water.

(f) New developments and redevelopments should be designed to be consistent with low-impact development principles to improve the retention, reuse, and percolation of stormwater onsite.

(g) Stormwater can be managed to achieve environmental and societal benefits such as wetland creation, riverside habitats, instream flows, and an increase in urban green space.

(h) Stormwater management through multiobjective projects can achieve additional benefits, including augmenting recreation opportunities for communities, increased tree canopy, reduced urban heat island effect, and improved air quality.

SEC. 2. Section 10562 of the Water Code is amended to read:

10562. (a) A city, county, or special district, either individually or jointly, may develop a stormwater resource plan pursuant to this part.

(b) Stormwater resource plans shall:

(1) Be developed on a watershed basis.

(2) Provide for multiple benefit project design to maximize water supply, water quality, and environmental and other community benefits.

(3) Provide for community participation in plan development and implementation.

(4) Be consistent with, and assist in, compliance with total maximum daily load (TMDL) implementation plans and applicable national pollutant discharge elimination system (NPDES) permits.

(5) Be consistent with all applicable waste discharge permits.

(6) Be consistent with any applicable integrated regional water management plan.

(c) The proposed or adopted plan shall meet the standards outlined in this section. The plan need not be referred to as a "stormwater resource plan." Existing planning documents may be utilized as a functionally equivalent plan, including, but not limited to, watershed management plans, integrated resource plans, urban water management plans, or similar plans. If a planning document does not meet the standards of this section, a collection of local and regional plans may constitute a functional equivalent.

(d) Stormwater resource plans shall identify all of the following:

(1) Opportunities to augment local water supply through groundwater recharge or storage for beneficial reuse of stormwater.

(2) Opportunities for source control for both pollution and stormwater runoff volume, onsite and local infiltration, and reuse of stormwater.

(3) Projects to reestablish natural water drainage treatment and infiltration systems, or mimic natural system functions to the maximum extent feasible.

(4) Opportunities to develop or enhance habitat and open space through stormwater management, including wetlands, riverside habitats, parkways, and parks.

(5) Opportunities to use existing publicly owned lands, including, but not limited to, parks, school sites, and government office buildings and complexes, to capture and reuse stormwater.

~~(5)~~

(6) Design criteria and best management practices to prevent stormwater pollution and increase effective stormwater management for new and upgraded infrastructure and residential, commercial, industrial, and public development. These design criteria and best management practices shall accomplish all of the following:

(A) Reduce effective impermeability within a watershed by creating permeable surfaces and directing stormwater to permeable surfaces, retention basins, cisterns, and other storage for beneficial reuse.

(B) Increase water storage for beneficial use through a variety of on-site storage techniques.

(C) Increase groundwater supplies through infiltration, where appropriate and feasible.

(D) Support low-impact development for new and upgraded infrastructure and development using low-impact techniques.

~~(6)~~

(7) Activities that generate or contribute to the pollution of stormwater, or that impair the effective beneficial use of stormwater.

~~(7)~~

(8) Projects and programs to ensure the effective implementation of the stormwater resource plan pursuant to this part and achieve multiple benefits.

~~(8)~~

(9) Ordinances or other mechanisms necessary to ensure the effective implementation of the stormwater resource plan pursuant to this part.

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